

Victim Impact Statement



*THE CRIME VICTIM'S
RIGHT TO A VOICE
AT SENTENCING*

In New Hampshire



IT IS YOUR RIGHT...

New Hampshire law gives **victims and survivors** of felony crimes important legal rights. This includes the right to have input into a pre-sentence report by the New Hampshire Department of Corrections and the right to make a written and/or verbal Victim Impact Statement during the court sentencing hearing. Your impact statement and input is completely **voluntary**.

This right is available to persons who suffer direct or threatened physical, emotional, psychological or financial harm as a result of the commission or the attempted commission of a crime. It also includes the immediate family of any victim who is a minor. If able, a **child** victim may prepare his or her own statement. The child may write a statement, a poem, or draw pictures about how s/he feels. **Parents and guardians** may prepare statements on behalf of their child and provide a separate one of their own. If the crime victim is deceased or incapacitated, a **family member** may prepare and present the Victim Impact Statement. A victim's **caregiver** may also prepare a Victim Impact Statement.



WHY YOUR VOICE IS HEARD...

As the crime victim or family member, **you** know **best** how the crime **impacts** you and people close to you. You may say, or write, as little or as much as you choose. It is your right to inform the Court about the physical, emotional and financial harms you experience (d) as a result of the crime. The Court will consider your input before ordering the defendant's sentence.

WHAT DO I SAY?

Crime affects people in very personal ways. If you choose to provide a **verbal or written** statement (or both), please consider this information as a guide. The Court and the New Hampshire Department of Corrections want to learn how the crime impacted you.

In your own words, you may express:

Physical Impacts: injuries suffered, duration of injuries, medical care already received or expected to need in the future;

Emotional Impacts: how the crime impacted your life and those close to you; your feelings about what happened; other feelings you now have since the crime; any affect the crime had in changing your ability to work, go to school, relationships with others, or enjoy other activities; any family or outside support you needed as a result of the crime;

Financial Impacts: expenses (money paid or owed) or losses as a direct result of the crime, including:

- Reasonable charges incurred for needed products, services and accommodations, including, but not limited to, charges for medical and dental care, rehabilitation, and other remedial treatment and care including mental health services for the victim or, in the case of the death of the victim, for the victim's spouse and immediate family;
- Loss of income by the victim or the victim's dependents;
- The value of damaged, destroyed, or lost property;
- Expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured or deceased victim would have performed, if the crime had not

occurred, for the benefit of the victim or the victim's dependents;

- Reasonable expenses related to funeral and burial or crematory services;
- **Recommendation:** you may provide your own view about what you believe is an appropriate sentence for the defendant; this is important for the Court to consider;



HOW DO I SAY IT ?

You may choose to give input in any or all of these ways:

Input to Pre-Sentence Investigation

After the defendant is convicted at Court, the judge may order the New Hampshire Department of Corrections to conduct a pre-sentence investigation. This provides information about the defendant's background, how the crime affected people involved, and a recommendation from the corrections agency.

It is your legal right to **give input to the Department of Corrections**. This information is helpful as the

Probation-Parole Officer determines an appropriate sentencing recommendation for the judge to consider. You may provide your input in writing, in person, or by telephone. The Probation-Parole Officer or a Victim Advocate is available to help you with the process of providing victim input during this investigation.

Write a Statement to the Court

You may choose to write a **victim impact statement** anytime prior to the sentencing hearing. You may inform the judge about the physical, emotional and financial harms caused to you and your loved ones. You may express what you believe would be a just sentence. The Victim-Witness Advocate will be happy to support you in writing a statement, but remember, **you know best** how to describe the ways the crime impacted you and the people close to you. If you require assistance, you are allowed to designate someone to write a statement on your behalf. Your Advocate will help assure your written statement is given to the Court at the appropriate time.

Speak at the Sentencing Hearing

It is your legal right to **address the judge** during the defendant's sentencing hearing. You may stand at

your seat to do this. If you require assistance, you may designate someone to speak on your behalf. You may read your written statement, or say anything you want the judge to know about the crime, its impacts, and your view about a just sentence.



IS IT CONFIDENTIAL ?

It is your legal right to provide your statement and input to the Court. The court will share copies with the prosecutor and defense attorney.

The defendant and defense attorney can read your written statement and hear anything you say to the judge. By law, your personal information, such as your address and place of employment, is confidential. You do not need to include personal information in your statement.



"As a victim you're amazed that no one will ask you about the crime, or the effect that it has on you and your family. You took the ... defendant's blows, heard

his threats, listened to him brag that he'd 'beat the rap' or 'con the judge.' No one ever hears these things. They never give you a chance to tell them."

~ A Crime Victim ~ President's Task Force on Victims of Crime

RESTITUTION AND COMPENSATION

The Court can order the defendant to pay financial restitution to you (usually collected by the New Hampshire Department of Corrections) for out-of-pocket expenses and losses resulting from the crime.

Also, for victims of violent crime, victim compensation funds may be available to you through the NH Victims Assistance Commission.
(Tel. 1-800-300-4500)

Crime victims are usually required to provide supporting documents about such losses. Your Victim Advocate can help explain the needed information.

PAROLE HEARINGS

If the offender is sentenced to prison, you also have a legal right to offer

input and recommendations to the New Hampshire Adult Parole Board before it decides about the inmate's release on parole in the community.

Support and advocacy is available through the New Hampshire Department of Corrections Victim Services Office.

FOR INFORMATION & SUPPORT

For information and helpful support during court hearings, please contact the **Victim-Witness Advocate at the Prosecutor's Office:**

For information and helpful support

during an inmate's prison term or hearings with NH Adult Parole Board, please contact the **Victim Services Coordinator, NH Department of Corrections, P.O. Box 1806, Concord, NH 03302. Tel. (603) 271-7351 or 1-800-479-0688 ext. 7351 (in state only)**

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